IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL REVISION APPLICATION NO.429 OF 2004

Hukum Singh Roorkiwal ...Applicant

vs.

STate of Maharashtra & Ors. ...Respondents

Mr.V.N.Shingnapurkar for the Applicant
Mr.A.S.Gadkari,A.P.P. for State

CORAM: A.S.OKA,J.
DATE : JUNE 28,2005.

P.C.:

1. Heard learned Counsel for the parties. The challenge in this Application is to the impugned Judgment and Order by which the Application under Section 227 of the Code of Criminal Procedure, 1973 for discharge made by the Applicant has been rejected.

2. The case of the prosecution is that certain bogus bills were submitted to the Mahanagar Telephone Nigam Ltd. The allegation is of conspiracy against the accused including Officers of the M.T.N.L. The allegation against the Applicant is that he signed certain documents indicating that work which was covered by the alleged bogus bill has been completed.

3. The learned Counsel for the Petitioner submitted that the statements of the witnesses show that the Applicant has nothing to do with alleged bogus bills which were passed. He submitted that the statements show that the Applicant has

played no role.

4. I have considered the submissions and various documents on record. The allegation of the prosecution is that the Applicant is a part of larger conspiracy as a result of which there is a loss to the tune of Rs.10,39,961/- to M.T.N.L. While considering the Application under Section 227, all that is required to be considered whether there is a material available against the Petitioner on the basis of which the evidence can be led. Though there is no material on record to hold that the Applicant has signed the bills, there is enough documentary evidence on record to show complicity of the Applicant as regards participation of the Applicant in the conspiracy. In my view, no case is made out for passing the order of discharge.

5. Accordingly, Application is rejected.

JUDGE